

PROTECTION OF ATHLETES WITH HEAD INJURIES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts the Protection of Athletes With Head Injuries Act within the Utah Health Code.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires an amateur sports organization to:
 - adopt and enforce a concussion and head injury policy; and
 - inform a parent or guardian of the policy and obtain the parent's or guardian's signature on the policy before permitting a child to participate in a sporting event;
- ▶ describes the requirements of a concussion and head injury policy;
- ▶ requires removal of a child from a sporting event when the child is suspected of sustaining a concussion or head injury; and
- ▶ prohibits a child described in the preceding paragraph from participating in a sporting event of the amateur sports organization until the child receives medical clearance from a ~~H→~~ **qualified** ~~←H~~ health care provider trained in the evaluation and management of a concussion.

Money Appropriated in this Bill:

None



Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-53-101, Utah Code Annotated 1953**26-53-102**, Utah Code Annotated 1953**26-53-201**, Utah Code Annotated 1953**26-53-301**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **26-53-101** is enacted to read:**CHAPTER 53. PROTECTION OF ATHLETES WITH HEAD INJURIES ACT****Part 1. General Provisions****26-53-101. Title.**This chapter is known as the "Protection of Athletes With Head Injuries Act."Section 2. Section **26-53-102** is enacted to read:**26-53-102. Definitions.**As used in this chapter:(1) "Agent" means a coach, teacher, employee, representative, or volunteer.(2) (a) "Amateur sports organization" means, except as provided in Subsection (2)(b):(i) a sports team;(ii) a public or private school;(iii) a public or private sports league;(iv) a public or private sports camp; or(v) any other public or private organization that organizes, operates, manages, or sponsors a sporting event for its members, enrollees, or attendees.(b) "Amateur sports organization" does not include a professional:(i) team;(ii) league; or(iii) sporting event.(3) "Child" means an individual who is under the age of 18.

(4) " ~~Ĥ→~~ [Licensed] Qualified ~~←Ĥ~~ health care provider" means ~~Ĥ→~~ [:

~~(a) a physician or surgeon licensed under:~~

~~(i) Title 58, Chapter 67, Utah Medical Practice Act; or~~

~~(ii) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;~~

~~(b) a physician assistant, licensed under Title 58, Chapter 70a, Physician Assistant Act;~~

~~or~~

~~(c) an athletic trainer, as defined in Section 58-40a-102.] a health care provider who:~~

(a) is licensed under Title 58, Division of Occupational and Professional

Licensing Act; and

(b) may evaluate and manage a concussion within the health care provider's

scope of practice. ~~←Ĥ~~

(5) "Sporting event" means any of the following athletic activities that is organized, operated, managed, or sponsored by any organization:

(a) a game;

(b) a practice;

(c) a sports camp;

(d) a physical education class;

(e) a competition; or

(f) a tryout.

Section 3. Section **26-53-201** is enacted to read:

Part 2. Concussion and Head Injury Policy

26-53-201. Adoption and enforcement of concussion and head injury policy --

Notice of policy to parent or guardian.

Each amateur sports organization shall:

(1) adopt and enforce a concussion and head injury policy that:

(a) is consistent with the requirements of Section 26-53-301; and

(b) describes the nature and risk of:

(i) a concussion or head injury; and

(ii) continuing to participate in a sporting event after sustaining a concussion or head injury;

(2) ensure that each agent of the amateur sports organization is familiar with, and has a copy of, the concussion and head injury policy; and

(3) before permitting a child to participate in a sporting event of the amateur sports organization:

(a) provide a written copy of the concussion and head injury policy to a parent or legal

guardian of a child; and

(b) obtain the signature of a parent or guardian of the child, acknowledging that the parent or legal guardian has read, understands, and agrees to abide by, the concussion and head injury policy.

Section 4. Section 26-53-301 is enacted to read:

Part 3. Medical Clearance

26-53-301. Removal of child suspected of sustaining concussion or head injury -- Medical clearance required before return to participation.

An amateur sports organization, and each agent of the amateur sports organization, shall:

(1) immediately remove a child from participating in a sporting event of the amateur sports organization if the child is suspected of sustaining a concussion or head injury; and

(2) prohibit the child described in Subsection (1) from participating in a sporting event of the amateur sports organization until the child:

(a) is evaluated by a ~~licensed~~ ~~qualified~~ health care provider who is trained in the evaluation and

management of a concussion; and

(b) provides to the amateur sports organization ~~with a written statement~~ from the ~~qualified~~

health care provider described in Subsection (2)(a) ~~for the child~~ stating that:

(i) the qualified health care provider has, within three years before the day on which the written statement is made, successfully completed a continuing education course in the evaluation and management of a concussion; and

(ii) the child is cleared to resume participation in the sporting event of the amateur sports organization.

Legislative Review Note

as of 11-22-10 6:54 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 204, 2011 General Session

SHORT TITLE: **Protection of Athletes with Head Injuries**

SPONSOR: **Ray, P.**

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.